

ORDINANCE NO. 352

(Effective 12-20-47)

AN ORDINANCE ESTABLISHING ZONES WITHIN THE COUNTY OF TULARE AND ESTABLISHING CLASSIFICATIONS OF LAND USES AND REGULATING SUCH LAND USES IN SUCH ZONES; REGULATING THE HEIGHT OF BUILDINGS AND OPEN SPACES FOR LIGHT AND VENTILATION; ADOPTING A MAP OF SAID ZONES; DEFINING THE TERMS USED IN SAID ORDINANCE; PROVIDING FOR THE ADJUSTMENT, AMENDMENT AND ENFORCEMENT THEREOF; PRESCRIBING PENALTIES FOR ITS VIOLATION.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE DO ORDAIN AS FOLLOWS:

SECTION 1

An official land-use plan for the County of Tulare is hereby adopted and established to serve the public health, safety and general welfare and to provide the economic and social advantages resulting from an orderly, planned use of land resources.

SECTION 2: DEFINITIONS

This Ordinance which defines and makes effective the Land Use Plan of the County of Tulare shall be known as the **ZONING ORDINANCE** and for the purpose of this Ordinance certain words and terms are defined.

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "shall" is mandatory. The term **BOARD OF SUPERVISORS** means the Board of Supervisors of the County of Tulare, and the term **PLANNING COMMISSION** means the County Planning Commission of the County of Tulare. The word **COUNTY**, when used, means the County of Tulare.

ACCESSORY A building, part of building or structure or use which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot. Where the wall of an accessory building is part of, or joined to, the wall of the main building, such accessory building shall be counted as part of the main building.

ADULT-ORIENTED BUSINESS An "Adult-Oriented Business" is defined in Part VI of the Ordinance Code of the County of Tulare, Chapter 3. Refer to Chapter 3, Part VI of the Ordinance Code for additional definitions regarding adult-oriented terminology. (Added by Ord. No. 3330, effective 7-25-06; amended by Ord. No. 3399, effective 1-1-10)

AGRI-TOURISM Any income-generating use conducted on a working farm or ranch for the enjoyment and education of visitors. This includes the interpretation of the natural, cultural, historical, and/or environmental assets of the

	land and the people working on it. (Added by Ord. No. 3416, effective 11-9-10)
AIRPORT	An area for the landing and taking off of airplanes. (Added by Ord. No. 1169, effective 10-26-67.)
AIRPORT, AGRICULTURAL	An airport which is used solely for agricultural purposes. (Added by Ord. No. 1169, effective 10-26-67.)
ALLEY	A public or private way permanently reserved as a secondary means of access to abutting property.
ANTENNA	Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic or optical signals when such system is either external to or attached to the exterior of a RADIO, MICROWAVE, TELEVISION AND CELL TOWER. Antennas shall include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be part of the antenna. Antennas shall include but not be limited to dispatch carriers for specialized mobile radio (SMR) services and enhanced SMR (ESMR), and collocation facilities as defined by California Government Code section 65850.6(d)(1) and subsequent amendments. (Added by Ord. No. 3349, effective 11-2-07.)
AMATEUR RADIO SERVICE	A service of self-training, two-way radio communications, and technical investigation carried on by amateurs. Amateurs are duly authorized persons interested in radio technique without a pecuniary interest. (Added by Ord. No. 3349, effective 11-2-07.)
APARTMENT	A room or a suite of two or more rooms in a multiple dwelling, occupied or suitable of occupancy as a residence for one family.
APARTMENT HOTEL	A building or portion thereof designed for or containing either individual guestrooms or suite of rooms and dwelling units.
APARTMENT HOUSE	See DWELLING, MULTIPLE.
ASSEMBLAGE OF PEOPLE	For purposes of this Section 16.V, Assemblage of People means a temporary gathering together of any number of persons, at any location, at any single time when rent or compensation of any form is paid for use of a venue for educational, entertainment or commercial purposes. (Added by Ord. No. 3416, effective 11-9-10)

AUCTION	A public sale in which property or items of merchandise are sold one by one to the highest bidder. (Added by Ord. No. 3416, effective 11-9-10)
AUTOMOBILE, WRECKING	The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.
BASEMENT	A story partly underground and having one-half or more of its height below the average level of the adjoining ground. A basement, when designed for, or occupied by dwellings, business or manufacturing, shall be considered to be a story.
BED AND BREAKFAST HOME	A single-family, owner-occupied dwelling or other structure on the same property in which overnight lodging and breakfast are provided for a fee. (Added by Ord. No. 3222, effective 4-22-99).
BIOMASS	Biomass is a term used to describe a variety of biological materials, including but not limited to, the organic portion of municipal trash (garbage, paper, etc.), sewage, trees, plants, manures and various agricultural and forestry wastes. As used in this Ordinance, biomass materials are those materials which can be used directly as a fuel or can be converted to a variety of clean, useful fuels such as alcohol, methane, hydrogen and low-BTU gas. Whether directly or after conversion, biomass can be used to produce electricity, heat, and combustible fuels. (Added by Ord. No. 2350, effective 7-31-80.)
BIOMASS FUEL MANUFACTURE, COMMERCIAL	The manufacture of alcohol or gases derived from the conversion of biomass feedstocks through the process of fermentation and/or distillation, the product of which is intended for sale or trade for use as a fuel or fuel mixture, including the production of anhydrous alcohol, ethanol, methanol, ethane, methane and other similar derivatives. (Added by Ord. No. 2350, effective 7-31-80.)
BIOMASS FUEL MANUFACTURE, PERSONAL	The manufacture of alcohol or gases derived from the conversion of biomass feedstocks through the process of fermentation and/or distillation and intended for personal, non-commercial use as a fuel or fuel mixture, including the production of ethanol, methanol, ethane and methane, but not including the production of anhydrous alcohol. (Added by Ord. No. 2350, effective 7-31-80.)
BIOSOLIDS	Sewage sludge which (i) complies with the Class A biosolids standards in the Federal Rule 40 CFR 503.32(a) or has been stored for at least eighteen (18) months and has been tested to verify it meets the Class A biosolids standards in 40 CFR 503.32(a); and (ii) contains constituents in concentrations not exceeding the concentrations listed in 40 CFR

503.13, Table 1 and Table 3, as applicable. (Added by Ord. No. 3165, effective 7-25-96.)

- BIOSOLIDS, LAND SPREADING OF** The beneficial use of biosolids generated by wastewater treatment plants as a soil amendment or fertilizer provided that the biosolids are applied at an agronomic rate and in conformance with Federal Rule 40 CFR 503, Subpart B. Methods of beneficial use shall be limited to incorporation of biosolids into the soil so that the biosolids will either condition the soil or fertilize crops or vegetation grown in the soil. (Added by Ord. No. 3165, effective 7-25-96.)
- BOARDING HOUSE** A building where lodging and meals are provided for compensation for at least five (5), but not more than fifteen (15), persons, not including rest homes.
- BORROW PIT** Any premises where dirt, soil, sand, gravel, or other similar material is removed by excavation, or otherwise, below the grade of the surrounding land. The term "borrow pit" does not include the following uses (added by Ord. No. 1169, effective 10-26-67) :
- A. Excavation for the purpose of constructing a building or structure or grading the land around a building or structure.
 - B. Excavation of sand, rock or other materials, unsuitable for farming for the purpose of replacing such materials with soil suitable for farming.
 - C. Commercial classification of borrow materials.
 - D. Rock crushing operations.
- BUILDING** A permanently located structure having a roof (all forms of vehicles excluded).
- BUILDING HEIGHT** The vertical distance measured from the average level of the highest and lowest point of that portion of the site covered by the building to the uppermost part of the roof.
- BUILDING SITE** The ground area of a building or group of buildings together with all open spaces as required by this Ordinance.
- BUNGALOW COURT** A group of three or more detached one-story, one- or two-family dwellings located upon a single lot, together with all open spaces as required by this Ordinance. Two-family dwellings shall mean two units as defined under "Dwelling, Two Family."

BUSINESS AND PROFESSIONAL OFFICES	Any office that is not engaged in the creation, exchange or sale of goods, wares or merchandise. (Added by Ord. No. 1487, effective 2-17-72.)
BUSINESS OR COMMERCE	The purchase, sale or other transaction involving the handling or disposition of any article, substance or commodity for profit or livelihood, or the ownership or management of office buildings, offices, recreational or amusement enterprises or the maintenance and use of offices by professions and trades rendering services.
CAMPGROUND	Land or premises which are used, for a consideration, for occupancy by campers, including camping by tent, recreation vehicle or similar quarters, for seasonal hunting, fishing, recreational or vacation purposes. (Added by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1527, effective 10-12-72; amended by Ord. No. 2453, effective 12-24-81.)
CAMP, PUBLIC	(Repealed by Ord. No. 1527, effective 10-12-72.)
CHURCH FACILITIES	A site, with or without structures, the primary use of which is the assemblage of people for any religious worship, education, or expression. (Added by Ord. No. 3131, effective 10-12-95.)
CLINIC, DENTAL OR MEDICAL	A building in which a group of physicians and/or dentists and allied professional assistants are associated for the purpose of carrying on their professions. The clinic may include a dental or medical laboratory but it shall not include in-patient care or operating rooms for major surgery. (Added by Ord. No. 650, effective 3-27-58.)
CLUB	An association of persons for some common non-profit purpose but not including groups organized primarily to render a service which is customarily carried on as a business.
COMMISSION	Shall mean the "County Planning Commission."
CONVALESCENT HOMES	See REST HOMES.
CORRECTIONAL INSTITUTION	A public facility, including jails, which is used for the housing or confinement of persons while on trial for an offense or punishment after trial and conviction. As used in this Ordinance, a correctional institution also includes any accessory building and uses customarily incident to such institutions when located on the same lot or parcel, including but not limited to facilities for correction or rehabilitation of the inmates of the institution. (Added by Ord. No. 2430, effective 8-28-81.)

DWELLING	A building or portion thereof designed for or occupied exclusively for residential purposes, including one-family, two-family and multiple dwellings, but not including hotels, boarding and lodging houses.
DWELLING UNIT	Two or more rooms in a dwelling or apartment hotel designed for or occupied by one family for living or sleeping purposes and having only one (1) kitchen.
DWELLING, ONE FAMILY	A detached building designed for or occupied exclusively by one (1) family. A one family dwelling may include a second unit subject to the provisions of Subparagraph C of Paragraph 6 of Subsection A of Section 15 of this Ordinance. (Amended by Ord. No. 2562, effective 9-22-83.)
DWELLING, TWO FAMILY	A building designed for or occupied exclusively by two (2) families, living independently of each other.
DWELLING, MULTIPLE	A building or portion thereof, designed for or occupied by three (3) or more families living independently of each other.
EDUCATIONAL (ASSEMBLAGE)	Any use where the primary goal of those assembled is to promote the acquisition of knowledge in order to enrich the cultural experience of those engaged in the activity. (Added by Ord. No. 3416, effective 11-9-10)
EDUCATIONAL INSTITUTIONS	Colleges or universities supported wholly or in part by public funds and other colleges, universities or other schools giving general academic instruction, as determined by the State Board of Education. (Added by Ord. No. 3416, effective 11-9-10)
ENTERTAINMENT (ASSEMBLAGE)	Any use where the primary goal of those assembled is to promote amusement, enjoyment, pleasure, recreation, diversion, relaxation, and other similar uses. (Added by Ord. No. 3416, effective 11-9-10)
EXHIBITION	A public display pertaining to the work of artists or artisans, the products of farms or factories, the skills of performers, or objects of general interest. (Added by Ord. No. 3416, effective 11-9-10)
FAMILY	An individual, or two (2) or more persons related by blood or marriage, and/or a group of not more than six (6) persons, excluding servants, who are not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit. (Added by Ord. No. 1459, effective 10-1-71.)
FAMILY DAY CARE HOME, Large	A single-family, owner-occupied dwelling or unit where less than 24-hour per day, non-medical care and supervision is provided for 7-12 unrelated individuals. (Added by Ord. No. 3222, effective 4-22-99).

**FAMILY DAY
CARE HOME,
Small**

A single-family, owner-occupied dwelling or unit where less than 24-hour per day, non-medical care and supervision is provided for six or fewer unrelated individuals, which does not exceed the limitation of a single-family unit. (Added by Ord. No. 3222, effective 4-22-99.)

FARMWORKER

Any agricultural employee as defined in Section 1140.4 of the California Labor Code. (Added by Ord. No. 3009, effective 9-24-92.)

**FARMWORKER
HOUSING**

Any housing or living accommodations or camping facilities maintained in connection with any work or place where farm work is being performed, provided for the housing of ten (10) or more farmworkers. The term "Farmworker Housing" also includes any portion of any housing accommodation or property upon which housing accommodations are located, if all of the following factors exist:

- (a) The housing accommodations or property are located in any rural area, as defined by Section 50101 of the California Health and Safety Code.
- (b) The housing accommodations or property are not maintained in connection with any work or work place.
- (c) The housing accommodations or property are provided by someone other than an agricultural employer, as defined in Section 1140.4 of the California Labor Code.
- (d) The housing accommodations or property are used by ten (10) or more farmworkers of any agricultural employer or employers for any of the following:
 - (i) Temporary or seasonal residency.
 - (ii) Permanent residency, if the housing structure is a mobilehome or recreational vehicle.
 - (iii) Permanent residency, if the housing structure is subject to State Housing Law and is more than 30 years old and at least 51 percent of the units in the structure are occupied by agricultural employees. (Added by Ord. No. 3009, effective 9-24-92)

FEED LOT

An enclosed area where bovine animals, sheep, goats, horses, mules, swine or other similar domesticated quadrupeds are held for concentrated feeding or display preliminary to slaughtering, shipping or resale. (Added by Ord. No. 1169, effective 10-26-67.)

FEED MILL	Machinery in a building or structure, or in an open area, which is used to mix and/or grind grain and/or fiber for bulk use or for packaging for food for farm animals. (Added by Ord. No. 1169, effective 10-26-67.)
FLAMMABLE LIQUID	Any liquid, not intended for human consumption, having a flashpoint (closed cup test) below 100 degrees Fahrenheit, and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees Fahrenheit. (Added by Ord. No. 1557, effective 4-12-73.)
FLAMMABLE LIQUID (Personal Agricultural Use)	Propane or gasoline used as fuel for equipment for the cultivation of the ground; the raising of crops and feeding of cattle or other livestock; husbandry; tillage; farming; generation of commodities produced for the purpose of food, fuel and fiber, including feed for livestock and fowl, and trees grown for ornamental use; for powering generators for regular and emergency power; for powering agricultural equipment (i.e., tractors, wind machines, dehydrators, heaters for livestock and fowl, power for packing sheds, cold storage facilities, and/or similar equipment and uses), etc.; where the agricultural operation is performed on that site and/or on other property owned/leased/operated by that same owner/lessee/ operator. Personal use shall include the use of these fuels on this site or on other properties owned/leased/operated by this same owner/lessee/ operator when agricultural functions are performed by an employee or employees of the property owner/lessee/operator. (Added by Ord. No. 3219, effective 3-11-99.)
FLOOD, BASE	The flood having a one percent (1%) chance of being equaled or exceeded any given year. (Added by Ord. No. 2741, effective 12-4-86.)
FLOOD, INTERMEDIATE REGIONAL	(Added by Ord. No. 1371, effective 4-16-70; repealed by Ord. No. 2741, effective 12-4-86.)
FLOOD PLAIN	The relatively flat area adjacent to rivers or streams which may be subject to periodic inundation by flood waters. (Added by Ord. No. 1371, effective 4-16-70.)
FLOOD PLAIN, PRIMARY	(Added by Ord. No. 1371, effective 4-16-70; repealed by Ord. No. 2741, effective 12-4-86.)
FLOOD PLAIN, SECONDARY	(Added by Ord. No. 1371, effective 4-16-70; repealed by Ord. No. 2741, effective 12-4-86.)
FLOODWAY	The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1)

foot. The floodway is identified on the County Zoning Map by the F-1, Primary Flood Plain Zone. (Added by Ord. No. 2741, effective 12-4-86.)

**FLOOD,
SELECTED**

The flood magnitude as selected by the Board of Supervisors as a basis for determining the lateral boundaries of the flood plain area to be subject to flood plain regulations. The flood selected for the purposes of this Ordinance shall be any one or more of the following:

- (a) The flood established on the Flood Insurance Rate Map (FIRM), the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to Tulare County pursuant to the National Flood Insurance Act.
- (b) The flood established in the Flood Boundary Floodway Map, the official map on which the Federal Emergency Management Agency has delineated both the areas of flood hazard and the floodway pursuant to the National Flood Insurance Act.
- (c) The flood established on the Designated Floodway Map, the official map adopted by the Reclamation Board of the State of California when acting within its jurisdiction.
- (d) The flood established by the State Department of Water Resources or State Reclamation Board after completion of a Federal project report in conformance with Section 8411 of the California Water Code.

Where there is conflicts between floods so established, the flood which encompasses the most area shall be deemed the "selected flood" for the purposes of this Ordinance. (Added by Ord. No. 1371, effective 4-16-70; amended by Ord. No. 2741, effective 12-4-86.)

**GARAGE,
PRIVATE**

An accessory building or an accessory portion of the main building, designed or used only for the shelter or storage of vehicles owned or operated by the occupants of the main building.

GARAGE, PUBLIC

A building other than a private garage used for the care, repair or equipping of automobiles, or where such vehicles are kept for remuneration, hire or sale.

GROUP HOUSES

Two or more separate buildings each containing one or more dwelling units.

GUEST HOME

See REST HOMES.

GUEST HOUSE Living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises, having no kitchen, and not rented or otherwise used as a separate dwelling.

GUEST RANCH Buildings and premises offering recreational facilities for such pursuits as horseback riding, swimming, and hiking with living and dining accommodations. (Added by Ord. No. 731, effective 10-13-60.)

HAZARDOUS WASTE A waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:

- (a) Cause, or significantly contribute to, an increase in mortality, or an increase in serious irreversible or incapacitating reversible illness.
- (b) Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

The term "hazardous waste" shall be understood to also include "extremely hazardous waste", as defined in Section 25115 of the Health and Safety Code of the State of California. (Added by Ord. No. 2918, effective 8-25-90.)

HAZARDOUS WASTE FACILITY All contiguous land and structures, other appurtenances, and improvements on the land, used for handling, treating, storing or disposing of hazardous wastes. (Added by Ord. No. 2918, effective 8-25-90)

HAZARDOUS WASTE FACILITY, SPECIFIED An off-site hazardous waste facility which serves more than one producer of hazardous waste. (Added by Ord. No. 2918, effective 8-25-90.)

HELIPORT An area either at ground level or elevated on a structure for the landing and taking off of helicopters. (Added by Ord. No. 1169, effective 10-26-67.)

HELIPORT, AGRICULTURAL A heliport which is used solely for agricultural purposes. (Added by Ord. No. 1169, effective 10-26-67.)

HOME OCCUPATION, RURAL An accessory use of a dwelling unit, accessory building or area adjacent to a dwelling unit in an agricultural zone, for gainful employment involving the manufacture, provision, or sale of goods and/or services

which are not otherwise permitted either as a permitted use or a special use pursuant to the agricultural zoning regulations, in accordance with the regulations contained in Subparagraphs a or c of Paragraph 7 of Subsection A of Section 15 of this Ordinance. For purposes of this Ordinance, a rural home occupation does not include sale of agricultural products at a roadside stand. (Added by Ord. No. 2523, effective 3-31-83.)

**HOME
OCCUPATION,
URBAN**

An accessory use of a dwelling unit or accessory building in a residential zone, for gainful employment involving the manufacture, provision or sale of goods and/or services, in accordance with the regulations contained in Subparagraphs a or b of Paragraph 7 of Subsection A of Section 15 of this Ordinance. (Added by Ord. No. 2523, effective 3-31-83.)

HOTEL

A building designed for or occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are six (6) or more guest rooms, and in which no provision is made for cooking in any individual room or suite. Jails, hospitals, asylums, sanitariums or orphanages, prisons, detention homes or similar buildings where human beings are housed and detained under legal restraint are specifically not included.

JAIL

Same as CORRECTIONAL INSTITUTION. (Added by Ord. No. 2430, effective 8-28-81.)

KENNEL

A building, structure, or land area where five (5) or more dogs are kept. Puppies that are the offspring of mature dogs kept on the property shall not be counted in determining the number of dogs on the property until they are ten (10) weeks old. (Added by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 2828, effective 3-31-88.)

KITCHEN

Any room used or intended or designed to be used for cooking or the preparation of food.

LABORATORY

A building or part of a building devoted to the testing and analysis of any product or animal, including humans. No manufacturing is conducted on the premises except for experimental or testing purposes. (Added by Ord. No. 650, effective 3-27-58.)

**LABORATORY,
MEDICAL OR
DENTAL**

A laboratory which provides bacteriological, biological, medical, X-ray, pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating is conducted on the premises except the custom fabrication of dentures. (Added by Ord. No. 650, effective 3-27-58.)

- LABOR CAMP, PERMANENT** Any housing or living accommodations or camping facilities, other than a temporary labor camp or farmworker housing, maintained in connection with any work or place where work is being performed, provided for the housing of ten (10) or more employees. (Added by Ord. No. 1073, effective 6-16-66; amended by Ord. No. 3009, effective 9-24-92.)
- LABOR CAMP, TEMPORARY** Any housing or living accommodations or camping facilities, other than farmworker housing, maintained in connection with any work or place where work is being performed, provided for the housing of ten (10) or more employees if occupied or used for a period not to exceed one hundred and twenty (120) days in any one calendar year. (Added by Ord. No. 1073, effective 6-16-66; amended by Ord. No. 3009, effective 9-24-92.)
- LOADING SPACE** An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
- LODGING HOUSE** A building with not more than five (5) guestrooms where, for compensation, lodging is provided for at least five (5) but not more than ten (10) persons.
- LOT** The word "lot" shall mean (1) a parcel of real property when shown as a delineated parcel of land with a number or other designation on a plat recorded in the office of the County Recorder of Tulare County; or (2) a parcel of land, the dimensions or boundaries of which are defined by a record of survey recorded pursuant to the provisions of the Subdivision Map Act of the State of California in the office of the County Recorder of Tulare County; or (3) a parcel of real property not delineated as in (1) or (2) above, and containing not less than the prescribed minimum square footage required in the zone in which it is located and which abuts at least one public street or has legal access of record to a street and held under separate ownership from adjacent property on the effective date of this Ordinance. (Amended by Ord. No. 481, effective 10-30-51.)
- LOT LINE, FRONT** In the case of an interior lot, a line separating the lot from the street, and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in those cases where the latest tract deed restrictions specify another line as the front lot line.
- LOT LINE, REAR** A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular lot, a line within the lot, parallel to and at the maximum distance from the front lot line, having a length

of ten (10) feet.

LOT LINE, SIDE	Any lot boundary line not a front lot line or a rear lot line.
LOT WIDTH	The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
LOT DEPTH	The horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.
LOT AREA	The total horizontal area within the lot lines of a lot.
LOT, CORNER	A lot situated at the intersection of two (2) or more streets, having an angle of intersection of not more than one hundred and thirty-five (135) degrees and a width not greater than seventy-five (75) feet.
LOT, REVERSED CORNER	A corner lot, the side street line of which is substantially a continuation of the front lot line of the lot upon which it rears.
LOT, INTERIOR	A lot other than a corner lot.
LOT, KEY	The first lot to the rear of a reversed corner lot and whether or not separated by an alley.
LOT, THROUGH	A lot having frontage on two (2) parallel or approximately parallel streets.
MANUFACTURED HOME	A structure which has been certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401, et seq.), transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the foregoing requirements except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established in Part 2, Division 13 of the California Health and Safety Code. "Manufactured home" includes a mobilehome subject to the National Manufactured Housing Construction and Safety Act of 1974. (Added by Ord. No. 2873, effective 4-20-89.)
MEDICAL	A "Medical Marijuana Cooperative" and "Medical Marijuana Collective" is defined in Part VI of the Ordinance Code of the County of

**MARIJUANA
COOPERATIVE
AND MEDICAL
MARIJUANA
COLLECTIVE**

Tulare, Chapter 21. Refer to Chapter 21, Part VI of the Ordinance Code for additional definitions regarding medical marijuana terminology. (Added by Ord. No. 3398, effective 1-1-10)

**MINI-
WAREHOUSES**

Storage or warehousing service within a building or buildings primarily for individuals to store personal effects and by businesses to store material for operation of an industrial or commercial enterprise located elsewhere. Incidental uses in a mini-warehouse may include the repair and maintenance of stored materials by the tenant but in no case may storage spaces in a mini-warehouse facility function as an independent retail, wholesale, business or service use, nor shall the storage spaces be used for workshops, hobby shops, manufacturing or similar uses. (Added by Ord. No. 2714, effective 7-17-86.)

**MINOR
IMPROVEMENT**

Expansion to a structure, the cost of which is not more than 10% of the market value of the structure before the improvement is started, or if the structure has been damaged and is being restored, before the damage occurred, or the expansion comprises of no more than 10 percent of the gross square footage of the structure, whichever is less; exterior remodel which does not add habitable area to the structure, interior remodel which does not change the use of the building; and regular maintenance of building, provided, however, that these activities will not cause the use to be out of compliance with applicable County development standards including parking requirements. This paragraph shall not apply to minor improvements or to structures or uses established by the special use permit or site plan review process. (Added by Ord. No. 2910, effective 12-28-89.)

MOBILEHOME

A mobilehome, for the purpose of this Ordinance, means a structure transportable in one or more sections, designed and equipped to contain not more than one (1) dwelling unit, to be used with or without a foundation system. Mobilehome does not include a recreation vehicle, commercial coach or factory-built housing. (Added by Ord. No. 1149, effective 7-27-67; amended by Ord. No. 2453, effective 12-24-81.)

**MOBILEHOME
DEVELOPMENT**

An area or tract of land which is proposed for, or contains a subdivision, exclusively for mobilehome use. A mobilehome development may exceed the maximum residential density of the zone in which it is located, subject to the requirements of subparagraph d of Paragraph 5 of Subsection A of Section 15 of this Ordinance. For purposes of this Ordinance, a mobilehome development does not include a mobilehome park. (Added by Ord. No. 2480, effective 7-1-82.)

MOBILEHOME

An area or tract of land where two (2) or more mobilehomes or

PARK	mobilehome sites are rented or leased or held out for rent or lease to accommodate mobilehomes used for human habitation. A mobilehome park may exceed the maximum residential density of the zone in which it is located, subject to the requirements of subparagraph d of Paragraph 5 of Subsection A of Section 15 of this Ordinance. (Added by Ord. No. 1149, effective 7-27-67; amended by Ord. No. 2453, effective 12-24-81; amended by Ord. No. 2480, effective 7-1-82.)
MOTEL	See <u>TOURIST COURT</u> .
MUSEUM	A nonprofit, noncommercial establishment operated as a repository or a collection of objects of nature, scientific or literary curiosities or objects of interest or works of art. (Added by Ord. No. 650, effective 3-27-58.)
NON- CONFORMING BUILDING	A building or portion thereof lawfully existing at the time this Ordinance became effective and which was designed, erected or structurally altered for a use which does not conform to the use zone in which it is located, or which does not comply with all the height and area regulations of the zone in which it is located.
NON- CONFORMING USE	A building or land lawfully occupied at the time this Ordinance became effective by a use that does not conform with the regulations of the zone in which it is situated.
NURSERY, PLANT	A place where trees, shrubs, vines, flowers or grasses are propagated for transplanting or for use as stock for grafting. (Added by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 2754, effective 1-15-87.)
OFF-SITE OUTDOOR ADVERTISING DISPLAY SIGN	An outdoor advertising display sign which does not identify a use, facility or service located on the premises or a product which is produced, sold or manufactured on the premises. In particular, the following signs are not included in this definition: (Added by Ord. No. 2282, effective 10-25-79.) <ul style="list-style-type: none"> A. A sign pertaining to the sale, lease or rental of the real property or a structure thereon. B. A sign not larger than four (4) square feet in area which pertains to the producer or marketing association with which the owner or lessee of the property is affiliated. C. Temporary political campaign signs, including their supporting structures, which are removed within ten (10) days after the election to which they pertain.

**OUTDOOR
ADVERTISING
DISPLAY SIGN**

A rigidly assembled sign, display, or device permanently affixed to the ground or permanently attached to a building or other inherently permanent structure constituting, or used for the display of, a commercial or other advertisement to the public. (Added by Ord. No. 2282, effective 10-25-79.)

PARCEL

The word "parcel" shall mean a piece of real property other than a lot as defined herein, or any piece of land other than a lot which is occupied or used as a single unit. (Added by Ord. No. 481, effective 11-29-51.)

**PARKING AREA,
PUBLIC**

An open area other than a street, alley or place, used for the temporary parking of more than four (4) automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.

**PARKING SPACE,
AUTOMOBILE**

Space within a building or public parking area for the temporary parking or storage of one (1) automobile.

PLACE

An open, unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

**PUBLIC UTILITY
STRUCTURES**

Public entity- or privately-owned: electrical distribution and transmission substations; natural gas-, steam- or biomass-fired electric generating plants of less than 50 megawatts; gas regulator and metering stations; communication equipment buildings; public service pumping stations except water well and pump sites approved in connection with the approval of a tentative subdivision map; and transmission lines and pipelines. (Added by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 3270, effective 7-18-2002.)

**RADIO,
MICROWAVE,
TELEVISION
AND CELL
TOWER**

A mast, pole, monopole, guyed tower, lattice tower, free-standing tower, tripod, or other structure with a base on the ground, designed and primarily used to support antennas or similar apparatus. Includes wireless telecommunications collocation facilities defined by California Government Code section 65850.6(d)(3) and subsequent amendments. Does not include structures used solely for amateur radio service antennas 75 feet or less in height or structures used solely to mount temporary security surveillance. Does not include structures used solely for permanent security surveillance that is within the zone height limit. (Added by Ord. No. 3349, effective 11-2-07.)

**RECREATION
VEHICLE**

A vehicle, with or without motive power, which is designed as a temporary dwelling for travel, recreational and vacation uses, with a living area less than two hundred (200) square feet excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms. Recreation vehicle includes, but is not limited to,

a motorhome, travel trailer, camper or camping trailer. (Added by Ord. No. 2453, effective 12-24-81.)

**RECREATION
VEHICLE PARK**

An area or tract of land where one (1) or more recreation vehicle sites are rented or leased or held out for rent or lease to accommodate recreation vehicles for human habitation. (Added by Ord. No. 2453, effective 12-24-81.)

**RECYCLING
COLLECTION
CENTER**

A Recycling Collection Center is a Solid Waste Recycling Operation limited to the acceptance by donation, redemption, or purchase, of recyclable materials from the public. Processing of materials shall be limited to the crushing of glass, metal, and plastic beverage containers within an enclosed space including, but not limited to, reverse vending machines. (Added by Ord. No. 2817, effective 2-18-88.)

RESORT

A hotel or a motel with dining room located on the same site, with recreation facilities for water sports, tennis, golf, riding, skiing, hunting, fishing or similar activities limited to use solely by tenants of the hotel or motel and their guests. (Added by Ord. No. 731, effective 10-13-60.)

REST HOMES

Same as boarding house, but permitting nursing, dietary and other personal services rendered to convalescents, invalids and aged persons, but excluding cases of contagious or communicable diseases, and excluding surgery or primary treatment such as are customarily provided in sanitariums and hospitals.

RESTAURANT

An eating establishment of a permanent character on a permanent foundation devoted to serving food to the general public. (Added by Ord. No. 731, effective 10-13-60.)

**RISK
ASSESSMENT**

Evaluation of the threat to public health and the environment posed by a specified hazardous waste facility, or other source, considering probability of incident and its effects, as described in Section 7.3 of the Tulare County Hazardous Waste Management Plan. (Added by Ord. 2918, effective 8-25-90.)

SANITARIUMS

A health station or retreat or other place where patients are kept and where medical or surgical treatment is given, but not mental.

**SATELLITE
TELEVISION
ANTENNA**

A satellite earth station consisting of (1) a receiving component of a disc or similar configuration whose purpose is to receive television signals from orbiting satellites or other extraterrestrial sources and (2) a low-noise amplifier whose purpose is to magnify television signals. (Added by Ord. No. 2538, effective 6-6-83.)

SECOND UNIT

A dwelling unit attached to or located within the living area of a one

family dwelling, which provides complete independent living facilities for one (1) or more persons all in accordance with the provisions set forth in sub-Paragraph c of Paragraph 6 of Subsection A of Section 15 of this Ordinance. (Added by Ord. No. 2562, effective 9-22-83.)

**SEWAGE OR
SEWER SLUDGE:**

A solid, semi-solid, or liquid residue generated during the treatment of sewage in a treatment works or sewage treatment plant. Sewage sludge includes, but is not limited to, septage, scum, or solids removed in primary, secondary, or advanced wastewater treatment processes, and any material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, or grit and screenings generated during primary treatment of sewage in a treatment works. As used in this Ordinance, the term "Sewage Sludge" does not include sewer sludge to be land applied which has been diluted through composting and is distributed in bags or other similar containers not exceeding one hundred (100) pounds for landscaping purposes or for home use and has been classified as "exceptional quality biosolids products" in compliance with all applicable State and Federal rules and regulations. (Added by Ord. No. 3165, effective 7-25-96, amended by Ord. No. 3185, effective 6-5-97.)

**SCHOOLS,
PRIVATE**

An institution conducting regular academic instruction at kindergarten, elementary, secondary or college levels, which is operated by a non-governmental organization. (Added by Ord. No. 1169, effective 10-26-67.)

**SCHOOLS,
PUBLIC**

An institution conducting regular academic instruction as required by State law, at kindergarten, elementary, secondary or college levels, which is operated by a school district. (Added by Ord. No. 1169, effective 10-26-67.)

SOLID WASTE

All putrescible and nonputrescible solid, semi-solid and liquid wastes, including but not limited to discarded paper, cloth, metal, wood, glass and plastic materials. (Added by Ord. No. 2542, effective 7-7-83.)

**SOLID WASTE
RECYCLING
OPERATION**

Any building or area where the process of collecting, sorting, cleansing, treating and reconstituting of solid waste or other discarded materials for the purpose of using the altered form, is undertaken. (Added by Ord. No. 2542, effective 7-7-83.)

SPECIAL EVENT

Any temporary use, generally lasting from a few hours to a few days, conducted or sponsored by an organization, entity, association, or group involving a display, demonstration, performance, exhibition, or amusement which includes, but is not limited to, festivals, concerts carnivals, arts and craft shows, fireworks displays, sporting events, socials, parties, parades, rallies, and other similar uses. (Added by Ord.

No. 3416, effective 11-9-10)

STABLE, PRIVATE	A detached accessory building for the keeping of horses owned by the occupants of the premises, and not kept for remuneration, hire or sale.
STABLE, PUBLIC	A stable other than a private stable.
STATE RESPONSIBILITY AREA	Land or lands within the area or areas defined in or established under California Public Resource Code Sections 4126-4127 and Title 14 of the California Code of Regulations, Division 1.5, Chapter 7, Article 1, Sections 1220-1220.5 as defined or established as of December 3, 1991. (Added by Ord. No. 2982, effective 1-2-92.)
STORY	That portion of a building including between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.
STREAM BED	That portion of the flood plain through which the natural flow of water is channeled during normal drainage periods. (Added by Ord. No. 1371, effective 4-16-70.)
STREET	A public or private thoroughfare which affords principal means of access to abutting property.
STREET LINE	The boundary line between street and abutting property.
STREET, SIDE	That street bounding a corner lot and which extends in the same general direction as the line determining the depth of the lot.
STRUCTURE	Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, but not including fences or walls used as fences less than six (6) feet in height.
STRUCTURAL ALTERATIONS	Any change in the supporting members of a building such as bearing walls, columns, beams or girders and floor joists or roof joists, girders or rafters or changes in roof or exterior lines.
STRUCTURAL FLOOR	The floor sheathing, structural beams, or floor joists of a building. (Added by Ord. No. 1371, effective 4-16-70.)
SUBDIVISION	Any real property, improved or unimproved, or portion thereof, shown on the latest equalized County Assessment roll as a unit or as contiguous units, which is divided for the purpose of sale, lease or financing, whether immediate or future, by any subdivider into five (5) or more parcels; provided, however, that this definition shall not apply to the financing or leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building,

or mobilehome park, nor shall this definition apply to mineral, oil or gas leases. Property shall be considered to be contiguous units even it is separated by roads, streets, utility easements or railroad rights-of-way. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels.

The term "subdivision" does not include any parcel or parcels of land which is divided into four (4) or less parcels. The term "subdivision" does not include any parcel or parcels divided into lots or parcels, each of a gross area of forty (40) acres or more or each of which is a quarter-quarter Section or larger. The term "subdivision" does not include any parcel or parcels divided into lots or parcels where each lot or parcel has a gross area of twenty (20) acres or more with an approved access to a maintained street or highway.

The term "subdivision" includes a condominium project, as defined in Section 1350 of the Civil Code of the State of California, containing five (5) or more condominiums, as defined in Section 783 of the Civil Code, and a community apartment project, as defined in Section 11004 of the Business or Professional Code of the State of California, containing five (5) or more parcels. The term "subdivision" does not apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California. The term "subdivision" does not apply to any of the land divisions described in Section 66412 of the Government Code of the State of California. (Added by Ord. No. 1807, effective 4-3-75; amended by Ord. No. 2750, effective 11-15-87.)

SUPER SERVICE STATION

A filling station to supply motor fuel and oil to motor vehicles, and including grease racks, wash racks or pits, tire repairs including recapping, but with equipment limited to three molds, battery servicing and repairing, ignition service, accessory sales and other customary services for automobiles, but excluding painting, body works and steam cleaning.

SWAP MEET

A building or open area where the display, exchange, barter or sale of new or used common household items or office equipment and furnishings is conducted, provided that such activity is carried on in a swap lot. Typical uses include flea markets where clothing, personal effects, household furnishings and household appliances are sold or otherwise exchanged. (Added by Ord. No. 2719, effective 8-28-86.)

TOURIST COURT

A group of attached or detached buildings containing individual sleeping or living unit with garage attached or parking space conveniently located to each unit, all for the temporary use by automobile tourists or transients; includes auto courts, motels or motor lodges.

TRAILER, AUTOMOBILE	(Repealed by Ord. No. 1149, effective 7-27-67.)
TRAILER PARK	(Added by Ord. No. 731, effective 10-13-60; repealed by Ord. No. 1149, effective 7-27-67.)
USE	The purpose for which land or building is arranged, designed or intended or for which either is or may be occupied or maintained.
VACATION VEHICLE	(Added by Ord. No. 1371, effective 4-16-70; repealed by Ord. No. 2453, effective 12-24-81.)
VACATION VEHICLE PARKS	(Added by Ord. No. 1371, effective 4-16-70; repealed by Ord. No. 2453, effective 12-24-81.)
YARD	An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
YARD, FRONT	A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot lines and a line parallel thereto on the lot.
YARD, REAR	A yard extending across the full width of the lot between the main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of the main building toward the rear lot line.
YARD, SIDE	A yard between the main building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard; the width of the required side yard shall be measured horizontally from the nearest part of the side lot line toward the main building.